

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Tammy Smith,)	
)	
Plaintiff,)	
)	CA No. _____
v.)	
)	
Orange Cut Rate Drugs, Inc. d/b/a Grove)	
Park Pharmacy,)	
)	
Defendant.)	
_____)	

NOTICE OF REMOVAL

COMES NOW Defendant Orange Cut Rate Drugs, Inc., d/b/a Grove Park Pharmacy,¹ by and through its counsel, and files this Notice of Removal in the above-captioned action pursuant to 28 U.S.C. §§ 1441 and 1446. In support of removal, Defendant respectfully asserts the following:

1. Plaintiff filed her Summons and Complaint in the Court of Common Pleas for the State of South Carolina, Orangeburg County, Civil Action No. 2017-CP-38-00449, on March 28, 2017. A copy of the Summons and Complaint is attached as Exhibit A. Defendant has received no other process, pleadings, or orders.

2. Defendant received a copy of the Summons and Complaint on April 7, 2017. Accordingly, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(d).

3. The United States District Court for the District of South Carolina, Orangeburg Division, is the federal judicial district embracing the Orangeburg County Court of Common

¹ Defendant Orange Cut Rate Drugs, Inc., d/b/a Grove Park Pharmacy asserts it was not Plaintiff's employer and, accordingly, it is not a proper defendant. Plaintiff was employed by Orange Cut Rate Drugs, Inc.

Pleas, where this action was originally filed and where the events alleged in the Complaint are said to have occurred. Thus, venue is proper in this Court under 28 U.S.C. § 1441(a).

4. Pursuant to 28 U.S.C. § 1446(d), Defendant is concurrently filing a Notice of Filing Notice of Removal with the Clerk of Court for the Orangeburg County Court of Common Pleas and serving Plaintiff with a copy of this Notice of Removal and a copy of the Notice of Filing Notice of Removal.

5. As explained below, this Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question). Therefore, this action may be removed to this Court under 28 U.S.C. § 1441(a).

FEDERAL QUESTION JURISDICTION

6. Plaintiff's Complaint alleges violations of the Pregnancy Discrimination Act, Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.*, ("Title VII"), and the Americans with Disabilities Act, 42 U.S.C. §§ 12101, *et seq.* (*See* Compl. ¶¶ 3 and 25-51.)

7. Plaintiff's claims arise solely under the laws of the United States. Therefore, this Court has federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331, and this action may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

8. Consequently, the case set forth above, Civil Action No. 2017-CP-38-00449, Court of Common Pleas for the State of South Carolina, Orangeburg County, in the First Judicial Circuit, could have originally been brought before this Court pursuant to 28 U.S.C. § 1331, and this action may be removed to this Court under 28 U.S.C. § 1441(a).

LOCAL CIVIL RULE REQUIREMENTS

9. Defendant has complied with the requirements of Rule 83.IV.01 of the Local Civil Rules of the United States District Court for the District of South Carolina.

10. Defendant has also complied with Local Civil Rule 26.01 by filing its Answers to Local Civil Rule 26.01 Interrogatories simultaneously with this Notice of Removal.

WHEREFORE, Defendant prays that the above action now pending in the Court of Common Pleas for the State of South Carolina, Orangeburg County, be removed to this Court.

Dated this 5th day of May 2017.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By: s/Charles T. Speth
Charles T. Speth (Fed. ID No. 4258)

s/Christopher R. Thomas
Christopher R. Thomas (Fed. ID No. 11793)
First Base Building
2142 Boyce Street, Suite 401
Columbia, SC 29201
803.252.1300 (telephone)
803.254.6517 (facsimile)
ted.speth@ogletree.com
christopher.r.thomas@ogletree.com

BEACH LAW OFFICE, LLC

By: s/Ladson H. Beach, Jr.
Ladson H. Beach, Jr. (Fed. ID No. 1252)
1220 Broughton Street
Orangeburg, SC 29115
803.531.3029 (telephone)
803.531.0921 (facsimile)
mail@beachlawoffice.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I, Meredith Smith, do hereby certify that the foregoing **NOTICE OF REMOVAL** has been served upon the following person electronically via the Court's Electronic Case Filing system, as well as by certified mail, return receipt requested, properly addressed, and with the correct amount of postage affixed thereto:

J. Paul Porter, Esq. (paul@cbphlaw.com)
Cromer, Babb, Porter & Hicks, LLC
1418 Laurel Street, Suite A
Columbia, SC 29201

Dated this 5th day of May 2017.



Meredith Smith
Practice Assistant

First Base Building
2142 Boyce Street, Suite 401
Columbia, SC 29201
803.252.1300 (telephone)
803.254.6517 (facsimile)
meredith.smith@ogletree.com